

RESPONSE TO COMMENTS SIMPLOT MEAT PRODUCTS, L.L.C.

A draft National Pollutant Discharge Elimination System (NPDES) permit for Simplot Meat Products, L.L.C. was issued for Public Notice on June 11, 1999. The Public Notice initiated a 30-day public comment period expiring on July 12, 1999. The Environmental Protection Agency (EPA) received written comments dated July 12, 1999 from the City of Boise. The original Fact Sheet provided during the Public Notice period will not be modified to reflect any changes made to the permit resulting from public comments. The following is a summary of the substantive comments related to the draft permit and EPA's response.

1. **Comment:** EPA did not consider Section 401 of Idaho's water quality standards, specifically IDAPA 16.01.02.401.03.a, which allows a one degree Celsius (EC) increase.

Response: Section 401 of the State's standard applies to point sources "unless more stringent limitations are necessary to meet the applicable requirements of Sections 200 through 300..." In this case, more stringent temperature limitations do apply under IDAPA 16.01.02.250.02© and d) for the protection of cold water biota and salmonid spawning. Cold water biota and salmonid spawning are designated use classifications for Indian Creek. Section 401 also applies to the receiving water outside of the mixing zone. In this case, a mixing zone is not available because the ambient temperature of the Creek already violates the state's temperature criteria for cold water biota and salmonid spawning. The ambient temperature data used by the EPA was from the United States Bureau of Reclamation (USBR) station B01016-Indian Creek at Karcher Road, Nampa. The monitoring dates from November 1971 to September 1979.

2. **Comment:** The Lower Boise TMDL (IDEQ, 1998) concludes that non-anthropogenic inputs (climate and elevation) are responsible for observed exceedences of the temperature water quality standard and that regulatory solutions should be applied. Simplot Meat Products, IDEQ, and EPA may want to consider a variance or the use or development of a site specific criteria.

Response: The EPA can not suggest what actions facilities should take in order to comply with water quality standards or NPDES permit limits. A variance and/or site specific criteria are options that can be requested of IDEQ by the permittees. If either of these options are pursued, they should be reported in the yearly compliance schedule reporting that is associated with the five year temperature compliance schedule.

3. **Comment:** The fact sheet incorrectly concludes that no dilution or mixing zone is available. The state standards found at IDAPA 16.01.02.401 and IDAPA 16.01.02.060 address dilution.

Response: As explained in the first response, the ambient data available at the USBR station violates the state's temperature criterion for salmonid spawning and cold water biota. When water quality criteria are not met in-stream, mixing or dilution is not available as required by IDAPA 16.01.02.401. The mixing zone policy found at IDAPA 16.01.02.060 requires that discharges not cause unreasonable interference with existing beneficial uses. Because the beneficial use of the Boise River is already at risk, any increased thermal loading above that required of the beneficial use criteria would be inappropriate.